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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,445	01/20/2006	Chad Andrew Lefevre	PU030207	9891

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EXAMINER	
ZHAO, DAQUAN	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
08/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,445	LEFEVRE, CHAD ANDREW	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/20/2006; 6/11/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/4/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-9 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read (US 2003/0,063,893), in view of Green et al (US 2002/0,168,175 A1), and further in view of Yagawa et al (US 6,801,713).

For claim 1, Read teaches a method for time-shifting (e.g. paragraph 3,the live broadcast is written to the PVR's hard disk drive and then read out in "near real time" for display to the viewer a brief time later) a presentation of multimedia content using a recording comprising:

receiving a first stream of multimedia content of a first channel (e.g. paragraphs 3-4, user is watching a "near real time" of a broadcast (channel" a brief time later, and paragraph 4 disclose user can change channel when viewing the programming (of the first channel) from the hard disk drive);

storing the first stream of multimedia content to a digital data store associated with the recorder (e.g. paragraph 3,the live broadcast is written to the PVR's hard disk drive);

receiving a channel change request during said storing of the first stream (e.g. paragraph 4));

receiving a second stream of multimedia content on a second channel correlating to the channel change request (e.g. paragraph 4, "...the PVR to change channels in its internal tuner to the newly selected channel);

storing the second stream of multimedia content to the digital data store (e.g. paragraph 4, "...begin recording the newly selected programming);

Read does not further disclose storing the second stream of multimedia content to the digital data store while retaining the first stream of multimedia content in the digital data store; receiving a rewind trick mode request; presenting the streams in reverse; presenting the first stream after the second stream.

Green et al teach storing the second stream of multimedia content to the digital data store while retaining the first stream of multimedia content in the digital data store (e.g. paragraph 55, recording plurality of channels simultaneously); receiving a rewind trick mode request (e.g. paragraph 19); presenting the streams in reverse (e.g. abstract, paragraph 77, playback in reverse mode); It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Green et al into the teaching of Read to playback video stream in a reverse mode to eliminates the need to user extensive memory resources (e.g. Green et al, paragraph 21).

Read and Green et al do not further teach presenting the first steam after the second stream. Yagawa et al teach presenting the first stream after the second stream (e.g. abstract, figure. 9). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Yagawa et al into the teaching of Read and Green et al to quickly help user find the desired program.

Claim 6 is rejected for the same reasons as discussed in claim 1 above, wherein, Read further teach an input port for receiving the first stream (e.g. figure 1, tuner 104); a digital data store (e.g. figure 1, HDD 130); a user interface for receiving a channel change request (e.g. figure 1, remote control 112); a processor for changing a channel (e.g. paragraph 30); a decoder (e.g. paragraph 43).

For claims 2 and 7, Yagawa et al teach assigning at least one identifier to each of the first and second streams of multimedia content to identify a sequence in which the first and second stream of multimedia content are recorded (e.g. figure 14, channel assignment table).

For claims 3 and 8, Yagawa et al teach assigning at lease one identifier to each of the first and second streams of multimedia content to identify a channel from which the first and second streams of multimedia content are recorded (e.g. figure 14, channel assignment table).

For claim 5, Yagawa et al teach receiving a play request (e.g. figure 8, start when pressing channel button, step 441); presenting the first stream of multimedia content (e.g. figure 9, steps 461-467); and present the second stream of multimedia content after reaching an end of the first stream of multimedia content (e.g. figure 9, step 468).

For claim 9, Yagawa et al teach user interface further comprising a user input device through which a user can choose a user selectable function to perform a desired recorder operation (e.g. figure 15).

For claim 11, Yagawa et al teach presenting the first stream of multimedia content (e.g. figure 9, steps 461-467); and present the second stream of multimedia content after reaching an end of the first stream of multimedia content (e.g. figure 9, step 468; figure 8, start when pressing channel button, step 441);

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621